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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,425	02/11/2002	Victor Grubsky	STADM-60980	5900

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FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

PAK, SUNG H

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/073,425

Applicant(s)

GRUBSKY ET AL. 

Examin r

Sung H. Pak

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

All the references cited in the information disclosure statement have been considered by the examiner.

Claim Objections

Claim 1 is objected to because of the following informalities: on line 3, the claim recitation "a core for" is not a complete limitation. Appropriate correction is required.

Claims 16 and 17 are objected to because of the following informalities: line 9 of claim 16 and line 12 of claim 17 recite "the target fiber", however "the target fiber" lacks proper antecedent basis. Also, line 12 of claim 17 recites "a light input", however "a light input" was already recited in line 2 of the claim 17. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Snitzer (US 5,457,758).

Snitzer reference was cited in the information disclosure statement.

Snitzer discloses a WDM add-drop device with all the limitation set forth in the claim, including: an add/drop multiplexer consisting essentially of two optical fibers positioned close together to allow coupling between the cladding of the two fibers (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6, 8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snitzer (US 5,457,758).

Snitzer discloses a WDM add-drop device with all the limitations set forth in the claims except it discloses using one fiber grating, instead of 'first' and 'second' gratings.

Specifically, Snitzer teaches: an input fiber and a target fiber (Fig. 1); the cladding of the input and the cladding of the target fiber being close together to define a coupling region in which light is coupled from the cladding of the input fiber to the cladding of the target fiber (Fig. 1, abstract); a grating formed on the claddings of the first and second fibers for coupling the light from the core of the first fiber to the cladding, and from the cladding to the core of the target fiber (Fig. 1, abstract).

However, using 'first' and 'second' gratings on the first and second optical fibers, when the gratings are disposed adjacent to each other, is functionally and structurally equivalent to the grating of Snitzer reference. Therefore such a limitation lacks criticality, and it is considered an obvious variation unless there are unforeseen advantages provided by such a limitation. Also, providing a single grating is advantageous in that it simplifies the manufacturing process of the device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Snitzer device to have first and second gratings instead of a single grating.

Regarding claims 10-16, Snitzer discloses a WDM add-drop device with all the limitations set forth in the claims as discussed above except it does not teach the use of a third fiber, having a grating formed therein, coupling with the target fiber. However, it is commonly used and well known in the art to have an additional 'add-port' fiber having optical gratings for coupling with the target fiber and for adding optical signals of additional wavelengths. Such an additional fiber is advantageous in building robust optical WDM add-drop device capable of handling multiple add-drop functions.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Snitzer device to have a third fiber with a grating for coupling additional optical signals to the target fiber.

Claims 5, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snitzer (US 5,457,758) in view of Kashyap (US 6,104,852).

Snitzer discloses a WDM add-drop device with all the limitations set forth in the claims as discussed above except it discloses gratings formed on the core and the cladding of the optical fiber, instead of only on the cladding portion.

Kashyap, on the other hand, explicitly teaches optical gratings formed only on the cladding portion of the optical fiber (Figs. 15b, 15c, 15d; column 3 lines 3-6). Kashyap teaches that such feature is advantageous because it allows for grating formation while preserving optical transmission characteristics of the core portion of the fiber. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Snitzer device to have gratings formed only on the cladding portion of the fiber as shown in Kashyap.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

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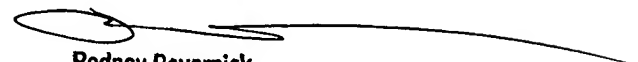
The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sung H. Pak
Examiner
Art Unit 2874

sp
October 1, 2002



Rodney Bovernick
Supervisory Patent Examiner
Technology Center 2800